

Zoning Ordinance Approval
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION



AGENDA ITEM NO.: 68
AGENDA DATE: Thu 11/17/2005
PAGE: 1 of 1

SUBJECT: C14-05-0144 - Longhorn International - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 16235, 16301, 16321, and 16330 North Interstate Highway 35 Service Road (Gilleland Creek Watershed) from community commercial (GR) district zoning to general commercial services-conditional overlay (CS-CO) combining district zoning. First reading approved on October 27, 2005. Vote: 6-0. Council Member Alvarez off the dais. Applicant: Security Land Investment Venture (J. Waymon Levell). Agent: Lopez-Phelps & Associates (Amelia Lopez-Phelps). City Staff: Sherri Sirwaitis, 974-3057.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey

SECOND/THIRD READING SUMMARY SHEET

ZONING CASE NUMBER: C14-05-0144

REQUEST:

Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code, zoning the property locally known as 16235, 16301, 16321, and 16330 North Interstate Highway-35 Service Road from GR, Community Commercial District, zoning to CS-CO, General Commercial Services-Conditional Overlay District, zoning.

The Ordinance reflects those conditions imposed by Council on 1st reading.

PROPERTY OWNER: Security Land Investment Venture (J. Waymon Levell)

AGENT: Lopez-Phelps & Associates (Amelia Lopez-Phelps)

DEPARTMENT COMMENTS:

The property in question is currently undeveloped. The applicant is requesting a rezoning of this tract of land to develop the site with an equipment sales business. This site is subject to the conditions of the originally approved TIA from zoning case C14-99-0130 (Public Restrictive Covenant- Attachment A).

The staff recommends CS, General Commercial Services District, zoning for the property because it fronts onto a major arterial roadway and meets the purpose statement for the CS district. The site is located adjacent to existing commercial and industrial uses to the north, south, east and west. There is CS-CO zoning to the north and west (across IH-35) of the property.

The applicant agrees with the City Council's recommendation at first reading.

DATE OF FIRST READING/VOTE: October 27, 2005/Approved ZAP
recommendation of CS-CO
(6-0, Alvarcz-off dias)

CITY COUNCIL DATE: November 17, 2005

CITY COUNCIL ACTION:

ASSIGNED STAFF: Sherri Sirwaitis

PHONE: 974-3057
sherri.sirwaitis@ci.austin.tx.us

ORDINANCE NO. _____

1 AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE
2 PROPERTY LOCATED AT 16235, 16301, 16321 AND 16330 NORTH IH-35
3 SERVICE ROAD FROM COMMUNITY COMMERCIAL (GR) DISTRICT TO
4 GENERAL COMMERCIAL SERVICES-CONDITIONAL OVERLAY (CS-CO)
5 COMBINING DISTRICT.

6
7 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

8
9 PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to
10 change the base district from community commercial (GR) district to general commercial
11 services-conditional overlay (CS-CO) combining district on the property described in
12 Zoning Case No. C14-05-0144, on file at the Neighborhood Planning and Zoning
13 Department, as follows:

14
15 Lots 1, 2, 3, and 4, Block A, Greenleaf 35 Business Center Phase 2 Subdivision, a
16 subdivision in the City of Austin, Travis County, Texas, according to the map or
17 plat of record in Plat Book 6, Page 48, of the Plat Records of Travis County, Texas
18 (the "Property"),

19
20 locally known as 16235, 16301, 16321, and 16330 North IH-35 Service Road, in the City
21 of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit
22 "A".

23
24 PART 2. The Property within the boundaries of the conditional overlay combining district
25 established by this ordinance is subject to the following conditions:

26
27 The following uses are prohibited uses of the Property:

28
29 Pawn shop services

Adult oriented businesses

30
31 Except as specifically restricted under this ordinance, the Property may be developed and
32 used in accordance with the regulations established for the general commercial services
33 (CS) base district and other applicable requirements of the City Code.

1 **PART 3.** This ordinance takes effect on _____, 2005.
2
3

4 **PASSED AND APPROVED**
5

6 _____, 2005
7
8

§
§
§

Wynn

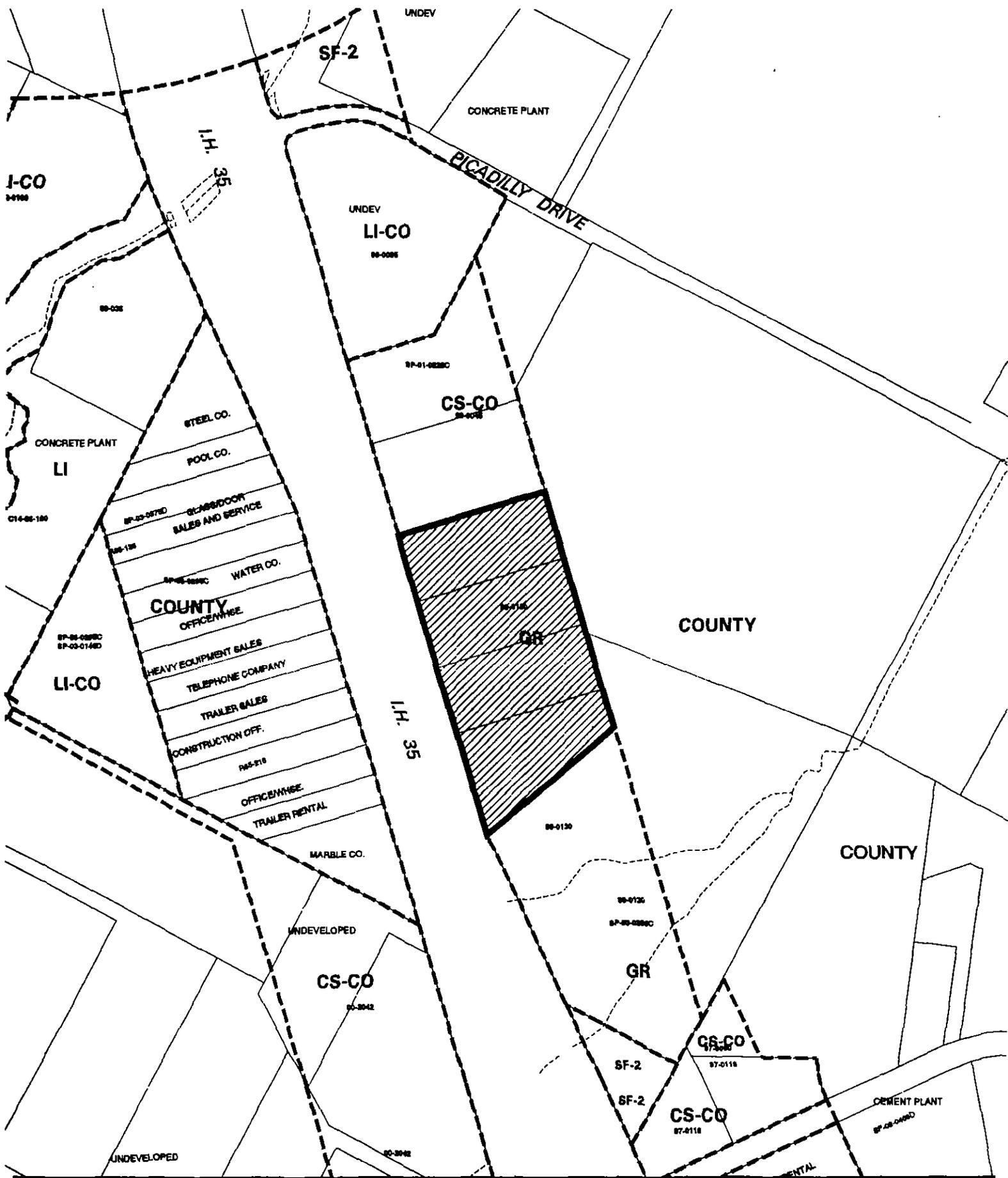
Mayor

9
10
11
12
13 **APPROVED:** _____

ATTEST: _____

14 David Allan Smith
15 City Attorney

Shirley A. Brown
City Clerk



 1" = 400'	SUBJECT TRACT 	ZONING CASE #: C14-05-0144 ADDRESS: 16325, 16301, 16321 & 16330 North IH-35 SUBJECT AREA (acres): 10.480	DATE: 05-11 INTLS: SM	CITY GRID REFERENCE NUMBER M39
	PENDING CASE 			
	ZONING BOUNDARY 			
	CASE MGR: S.SIRWAITIS			

ZONING CHANGE REVIEW SHEET

CASE: C14-05-0144

Z.A.P. DATE: October 4, 2005
October 18, 2005

ADDRESS: 16235, 16301, 16321, and 16330 North Interstate Highway-35 Service Road

OWNER/APPLICANT: Security Land Investment Venture (J. Waymon Levell)

AGENT: Lopez-Phelps & Associates (Amelia Lopez-Phelps)

ZONING FROM: GR **TO:** CS **AREA:** 10.480 acres

SUMMARY STAFF RECOMMENDATION:

The staff's recommendation is to grant CS (General Commercial Services) zoning district.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

10/04/05: Postponed to October 18, 2005 at the applicant's request (6-0, M. Hawthorne, J. Gohil, K. Jackson-absent); J. Martinez-1st, J. Pinnelli-2nd.

10/18/05: Approved CS-CO, with conditions to prohibit Adult Oriented Businesses and Pawn Shop Services uses (7-1, B. Baker-Nay, T. Rabago-Left Early); J. Donisi-1st, J. Pinnelli-2nd.

DEPARTMENT COMMENTS:

The property in question is currently undeveloped. The applicant is requesting a rezoning of this tract of land to develop the site with an equipment sales business. This site is subject to the conditions of the originally approved TIA from zoning case C14-99-0130 (Public Restrictive Covenant- Attachment A).

The staff recommends CS, General Commercial Services District, zoning for the property because it fronts onto a major arterial roadway and meets the purpose statement for the CS district. The site is located adjacent to existing commercial and industrial uses to the north, south, east and west. There is CS-CO zoning to the north and west (across I1-35) of the property.

The applicant agrees with the Zoning & Platting Commission's recommendation.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	GR	Undeveloped
<i>North</i>	CS-CO	Industrial Office/Warehouse (RDO Enterprises)
<i>South</i>	GR	Community Recreation (Austin Park & Pizza)
<i>East</i>	County	Undeveloped
<i>West</i>	LI-CO, CS-CO	Office, Warehouse, Contractor Services, Industrial Sales, Automotive Sales/Rental, Equipment Sales

AREA STUDY: N/A

TIA: Waived

WATERSHED: Gilleland Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: N/A

HILL COUNTRY ROADWAY: N/A

NEIGHBORHOOD ORGANIZATIONS: N/A

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-00-2042	SF-2 to CS	4/18/00: Approved staff rec. of CS-CO, with a 2,000 vtpd limit, by consent (7-1, JM-Nay)	5/18/00: Approved PC rec. of CS-CO on all 3 readings (6-0, Lewis-absent)
C14-99-0130	SF-2 to CS	1/11/00: Approved GR prohibiting Pawn Shop Services and include conditions of the TIA (9-0)	2/17/00: Approved PC rec. of GR-CO on 1 st reading (7-0) 4/20/00: Approved 2 nd reading with Pawn Shop Services added back as a permitted use (7-0) 6/01/00: Approved 3 rd reading (7-0)
C14-99-0045	SF-2 to CS	4/06/99: Approved staff alternate rec. of CS-CO, w/ a 2,000 vtpd limit (9-0)	5/06/99: Approved PC rec. of CS-CO (6-0); all 3 readings
C14-97-0116	SF-2 to CS	9/23/97: Approved CS-CO with a 2,000 vtpd limit (7-0)	10/16/97: Approved CS-CO (6-0); all 3 readings
C14-97-0060	SF-2 to CS	7/15/97: Approved staff alternate rec. of CS-CO with a 2,000 vtpd limit by consent (7-0)	8/14/97: Approved CS-CO (7-0); all 3 readings
C14-96-0095	SF-2 to LI	9/10/96: Approved LI-CO with a 2,000 vtpd limit by consent (9-0)	10/03/96: Approved LI-CO (5-0); all 3 readings

RELATED CASES: C14-99-0130 (previous zoning case)

ABUTTING STREETS:

NAME	ROW	PAVEMENT	CLASSIFICATION
IH-35	300'	Varies	Major Arterial

CITY COUNCIL DATE: October 27, 2005

ACTION: Approved ZAP recommendation of CS-CO (6-0, Alvarez-off dias)

November 17, 2005

ACTION:

ORDINANCE READINGS: 1st 10/27/05

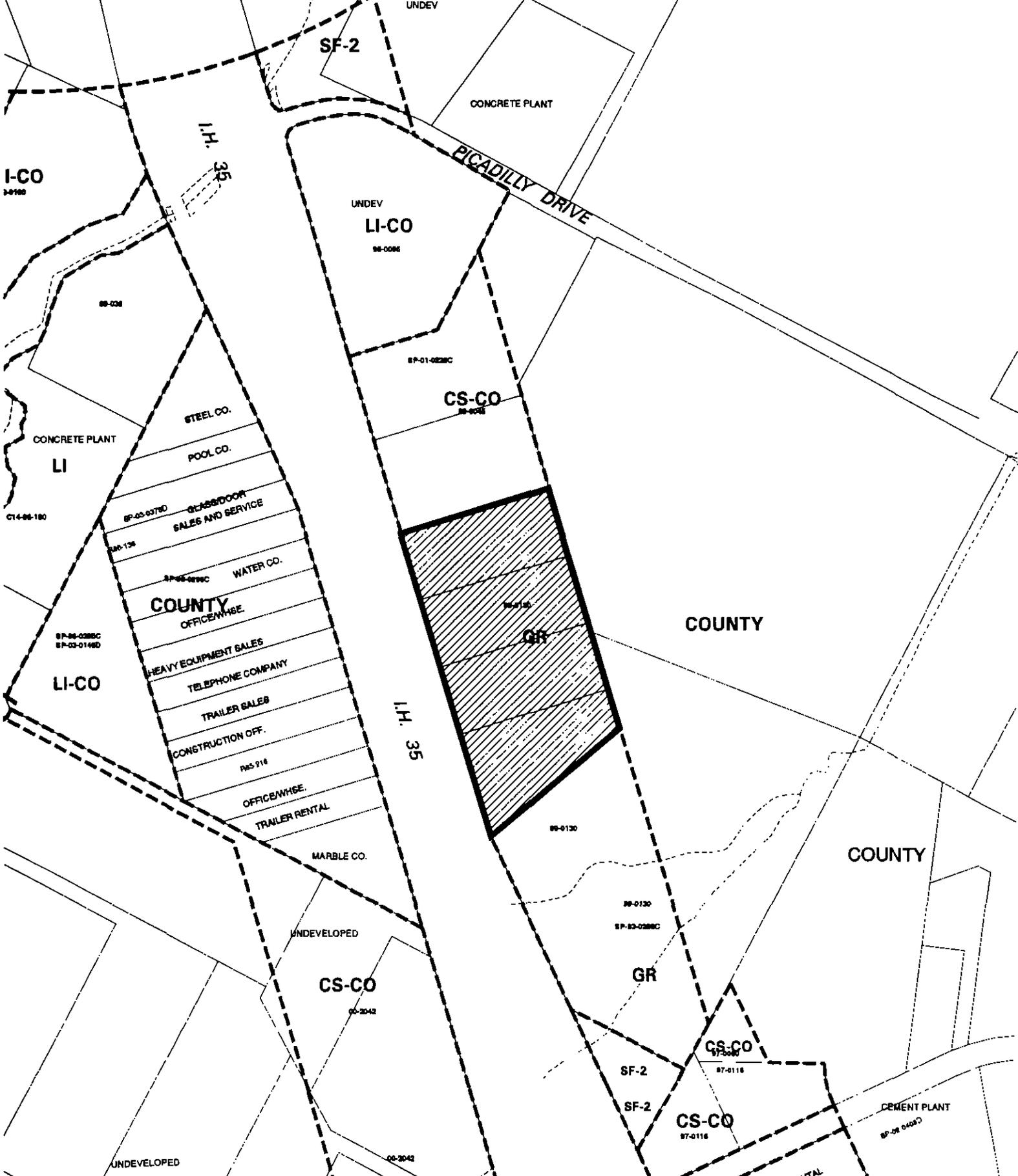
2nd

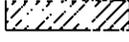
3rd

ORDINANCE NUMBER:

CASE MANAGER: Sherri Sirwaitis

PHONE: 974-3057,
sherri.sirwaitis@ci.austin.tx.us



 1" = 400'	SUBJECT TRACT 	ZONING CASE #: C14-05-0144 ADDRESS: 16235, 16301, 16321 & 16330 North I.H. 35 SUBJECT AREA (acres): 10.480	DATE: 05-11 INTLS: SM	CITY GRID REFERENCE NUMBER M39
	PENDING CASE 			
	ZONING BOUNDARY 			
	CASE MGR: S.SIRWAITIS			

STAFF RECOMMENDATION

The staff's recommendation is to grant CS (General Commercial Services) zoning district.

BASIS FOR RECOMMENDATION

1. *The proposed zoning should be consistent with the purpose statement of the district sought.*

The CS zoning district is intended for commercial or industrial use of a service nature that has operating characteristics or traffic service requirements that are incompatible with residential environments.

The property in question fronts and takes access to the Interstate Highway-35 Northbound Service Road.

2. *The proposed zoning should promote consistency, and orderly planning.*

The property is located adjacent to existing industrial and commercial uses to the north, south and west. There is CS-CO zoning to the north and west (across IH-35) of the property.

3. *The proposed zoning should allow for a reasonable use of the property.*

The CS zoning district would allow for a fair and reasonable use of the site. This tract of land meets the minimum CS district lot size requirements.

CS zoning is appropriate for this location because of the commercial and industrial character of the area. The property in question fronts onto a major arterial roadway, Interstate Highway-35 North, and currently takes access to the IH-35 Northbound Service Road.

EXISTING CONDITIONS

Site Characteristics

The site under consideration is undeveloped. The property has grassy vegetation and slopes slightly to the southwest. There is an industrial office/warehouse use to the north and a commercial recreational use to the south of the site.

Hill Country Roadway

The site is not within a Hill Country Roadway Corridor.

Impervious Cover

The maximum impervious cover allowed by the CS zoning district would be 95%. However, because the watershed impervious cover is more restrictive than the zoning district's allowable impervious cover, the impervious cover is limited by the watershed regulations.

Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% with Transfers</i>
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

In the Water Quality Transition Zones, impervious cover is limited to 30%.

Note: The most restrictive impervious cover limit applies.

Environmental

The site is not located over the Edward's Aquifer Recharge Zone. The site is in the Gilleland Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code.

According to flood plain maps, there is no flood plain in, or within close proximity of, the project location.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

At this time, site-specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment on this site will be subject to the following water quality control requirements:

Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention.

At this time, no information has been provided as to whether this property has any pre-existing approvals, which preempt current water quality or Code requirements.

Transportation

Additional right-of-way will be required at the time of subdivision and/or site plan.

The trip generation under the requested zoning is estimated to be 28,592 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).

The traffic impact analysis (TIA) for this site was waived because this site is subject to the conditions of the originally approved TIA (C14-99-0130).

Capital Metro bus service is not available within 1/4 mile of this property.

Existing Street Characteristics:

NAME	ROW	PAVEMENT	CLASSIFICATION
IH-35	300'	Varies	Major Arterial

Right of Way

No comments.

Water and Wastewater

The landowner must provide written evidence that the site has an approved water supply and means of wastewater disposal sufficient for the land use.

Stormwater Detention

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional *identifiable flooding of other property*. Any increase in stormwater runoff will be mitigated through on-site stormwater detention ponds, or participation in the City of Austin Regional Stormwater Management Program if available.

Compatibility Standards

No comments.

- 12. Rezoning: C14-05-0144 - Longhorn International**
 Location: 16330, 16321, 16301 and 16235 North Interstate Highway-35 Service Road Northbound, Gilleland Creek Watershed
 Owner/Applicant: Security Land Investments Joint Venture (J. Waymon Levell)
 Agent: Lopez-Phelps & Associates, LLC (Amelia Lopez-Phelps)
 Postponements: Postponed on 10/04/05 (Applicant)
 Request: **GR to CS**
 Staff Rec.: **RECOMMENDED**
 Staff: Sherri Sirwaitis, 974-3057, sherri.sirwaitis@ci.austin.tx.us
 Neighborhood Planning and Zoning Department

APPROVED CS-CO ZONING; PROHIBIT PAWNHOPS AND ADULT ORIENTED BUSINESSES.
[J.D; J.P 2ND] (7-1) B.B – NAY; T.R- LEFT EARLY

- 13. Rezoning: C14-05-0170 - Pecan Park Condominiums**
 Location: 10701-10807 Pecan Park Boulevard, Lake Creek Watershed
 Owner/Applicant: Pecan Park, LLC (John P. Chuddy)
 Agent: Doucet & Associates, Inc. (Carol M. Stewart)
 Request: **GR, GO to GR-MU**
 Staff Rec.: **RECOMMENDATION OF GO-MU**
 Staff: Sherri Sirwaitis, 974-3057, sherri.sirwaitis@ci.austin.tx.us
 Neighborhood Planning and Zoning Department

POSTPONED TO 11/1/05 (STAFF)
[J.M; J.G 2ND] (9-0)

- 14. Rezoning: C14-05-0150 - Fairfield at Woodland Park**
 Location: 3226 West Slaughter Lane, Slaughter Creek (Barton Springs Zone) Watershed
 Owner/Applicant: John M. and Joyce W. Harmon
 Agent: Graves, Dougherty, Hearon & Moody, P.C. (Peter J. Cesaro)
 Postponements: Postponed on 10/04/05 (Applicant)
 Request: **MF-4-CO to MF-4-CO to change a condition of zoning to increase the height from 45 feet to 60 feet, and to reduce the density.**
 Staff Rec.: **RECOMMENDED.**
 Staff: Wendy Walsh, 974-7719, wendy.walsh@ci.austin.tx.us
 Neighborhood Planning and Zoning Department

APPROVED STAFF'S RECOMMENDATION FOR MF-4-CO DISTRICT ZONING.
[B.B; K.J 2ND] (6-2) J.M; J.P – NAY; T.R – LEFT EARLY

Zoning Case No. C14-99-0130

20000401-20

RESTRICTIVE COVENANT

OWNER: SECURITY LAND INVESTMENTS VENTURE,
a Texas general partnership

ADDRESS: 2331 Gus Thomasson, Suite 126, Dallas, Texas 75228
~~4835 EBJ Freeway, Suite 650, Lockbox #100, Dallas, Texas 75244~~ *just*

CONSIDERATION: Ten and No/100 Dollars (\$10.00) and other good and valuable consideration paid by the City of Austin to the Owner, the receipt and sufficiency of which is acknowledged.

PROPERTY: A 19.656 acre tract of land out of the William Drummond Survey No. 109, in Travis County, Texas, said tract of land being more particularly described by metes and bounds in Exhibit "A" attached and incorporated into this covenant.

WHEREAS, the Owner of the Property and the City of Austin have agreed that the Property should be impressed with certain covenants and restrictions;

NOW, THEREFORE, it is declared that the Owner of the Property, for the consideration, shall hold, sell and convey the Property, subject to the following covenants and restrictions impressed upon the Property by this restrictive covenant. These covenants and restrictions shall run with the land, and shall be binding on the Owner of the Property, its heirs, successors, and assigns.

1. Notwithstanding any other provision of the City Code applicable to the Property on the effective date of this restrictive covenant or at the time an application for approval of a site plan or building permit is submitted, no site plan for development of the Property or any portion of the Property shall be approved or released, and no building permit for construction of a building on the Property, shall be issued if the completed development or uses authorized by the proposed site plan or building permit, considered cumulatively with all existing or previously authorized development and uses of the Property, generates traffic exceeding the total traffic generation for the Property as specified in that certain Traffic Impact Analysis ("TIA") prepared by WHM Transportation Engineering Consultants, Inc, dated July 1999. All development on the Property is subject to the recommendations contained in a memorandum from the Transportation Review Section of the Development Review and Inspection Department, dated January 11, 2000. The TIA shall be kept on file at the Development Review and Inspection Department.

At the request of the Owner of the affected Property, an updated or amended TIA may be approved administratively by the Director of the Development Review and Inspection Department.

2. If any person or entity shall violate or attempt to violate this agreement and covenant, it shall be lawful for the City of Austin to prosecute proceedings at law or in equity against such person or entity violating or attempting to violate such agreement or covenant, to prevent the person or entity from such actions, and to collect damages for such actions.
3. If any part of this agreement or covenant is declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this agreement, and such remaining portion of this agreement shall remain in full effect.

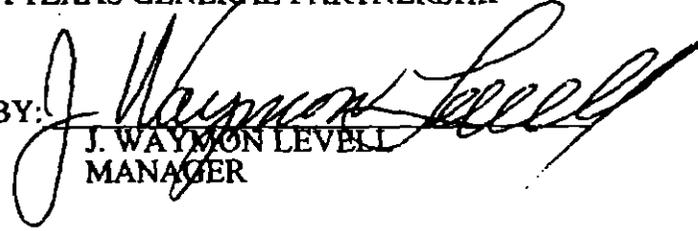
4. If at any time the City of Austin fails to enforce this agreement, whether or not any violations of it are known, such failure shall not constitute a waiver or estoppel of the right to enforce it.
5. This agreement may be modified, amended, or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin, and (b) by the owner(s) of the Property subject to the modification, amendment or termination at the time of such modification, amendment or termination.

When the context requires, singular nouns and pronouns include the plural.

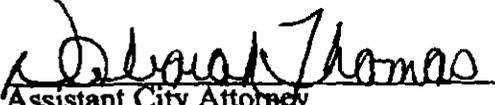
EXECUTED this the 13th day of MARCH, 2000.

OWNER:

SECURITY LAND INVESTMENT VENTURE
A TEXAS GENERAL PARTNERSHIP

BY: 
J. WAYMON LEVELL
MANAGER

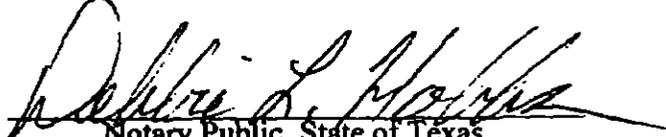
APPROVED AS TO FORM:


Assistant City Attorney
City of Austin

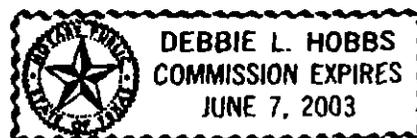
THE STATE OF TEXAS §

COUNTY OF TEXAS §

This instrument was acknowledged before me on this the 13 day of MARCH, 2000, by J. WAYMON LEVELL, Manager, on behalf of Security Land Investment Venture, a Texas general partnership.


Notary Public, State of Texas

After Recording, Please Return to:
City of Austin
Department of Law
P. O. Box 1546
Austin, Texas 78767-1546
Attention: Diana Minter, Legal Assistant



FIELD NOTES
FOR

TRACT - 856.213 SQUARE FEET OF LAND (19.656 ACRES)

ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF THE WILLIAM DRUMMOND SURVEY NO. 109 IN TRAVIS COUNTY, TEXAS, BEING ALL OF THAT CERTAIN 0.180 ACRE TRACT OF LAND CONVEYED TO SECURITY LAND INVESTMENT VENTURE BY INSTRUMENT RECORDED IN VOLUME 8304, PAGE 428 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF THAT CERTAIN 74.425 ACRE TRACT OF LAND CONVEYED TO SECURITY LAND INVESTMENT VENTURE BY INSTRUMENT RECORDED IN VOLUME 8304, PAGE 435 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS. THE HEREIN DESCRIBED TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2 inch iron pin found at the Southwest corner of said 0.180 acre tract, being at the Northwest corner of that certain 1.48 acre tract of land conveyed to Margaret C. Scarbrough by instrument recorded in Volume 5677, Page 2173 of the Deed Records of Travis County, Texas, being in the East r.o.w. line of Interstate Highway No. 35, for the Southwest corner and PLACE OF BEGINNING hereof:

THENCE along the West line of said 0.180 acre tract, being along the East r.o.w. line of Interstate Highway No. 35, N 23°00'08" W for a distance of 32.91 feet to a 1/2 inch iron pin found at the Northwest corner of said 0.180 acre tract, being at the Southwest corner of said 74.425 acre tract:

THENCE along the West line of said 74.425 acre tract, being along the East r.o.w. line of Interstate Highway No. 35, N 21°55'35" W for a distance of 582.90 feet to a r.o.w. monument found at an angle point and N 13°32'16" W for a distance of 1020.72 feet to a 1/2 inch iron pin found for the Northwest corner hereof:

THENCE along the North line of the herein described tract, N 76°27'37" E for a distance of 499.89 feet to a 1/2 inch iron pin found in the Westerly line of that certain 33.859 acre tract of land conveyed to Harris Trust Bank of Arizona by instrument recorded in Volume 11972, Page 162 of the Real Property Records of Travis County, Texas, for the Northeast corner hereof:

THENCE along the Westerly line of said 33.859 acre tract, S 13°32'15" E for a distance of 480.96 feet to a 1/2 inch iron pin found at an angle point in the Westerly line of said 33.859 acre tract:

THENCE along the East line of the herein described tract, S 13°32'15" E for a distance of 1321.20 feet to a point in the South line of said 74.425 acre tract for the Southeast corner hereof:

EXHIBIT A

FIELD NOTES
FOR

TRACT 2 - 856.213 SQUARE FEET OF LAND (19.656 ACRES) - Page Two

THENCE along the South line of said 74.425 acre tract.
S 30°52'33" W for a distance of 100.32 feet to a 1/2 inch iron pin
found and S 32°42'38" W for a distance of 44.93 feet to the most
Southerly corner of said 74.425 acre tract. being the Northeast
corner of said 0.180 acre tract:

THENCE along the East line of said 0.180 acre tract. S 28°15'25" W
for a distance of 20.05 feet to a 1/2 inch iron pin found at the
Southeast corner of said 0.180 acre tract. for the most Southerly
corner hereof;

THENCE along the South line of said 0.180 acre tract for the
following courses:

N 58°28'22" W for a distance of 241.81 feet to a 1/2 inch iron
pin found

N 56°11'10" W for a distance of 32.63 feet to a 1/2 inch iron
pin found

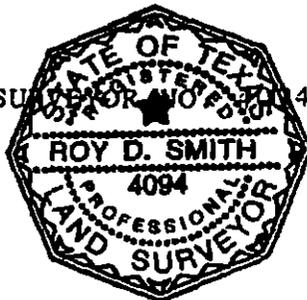
N 60°12'58" W for a distance of 138.16 feet to the PLACE OF
BEGINNING and containing 856,213 square feet of land or 19.656
acres of land, more or less.

SURVEYED BY:
ROY D. SMITH SURVEYORS. P.C.



ROY D. SMITH
REGISTERED PROFESSIONAL SURVEYOR
October 6, 1998

Job No. 2084A



**SURVEY PLAT OF A PORTION OF
THE WILLIAM DRUMMOND SURVEY NO. 109
IN TRAVIS COUNTY, TEXAS.**

LEGEND

- 1/2" Iron Pin Found
- R.O.W. Monument Found

SCALE 1" = 300'

John B. Meadows, Tr.
7.934 AC.
Vol. 11974, Pg. 2016

P.O.B. Tract 1

N70°27'34"E 298.45'
N39°00'55"E 287.16'
S21°52'15"E 450.60'

TRACT 1
316,545 SQ. FT.
7.267 ACRES

①

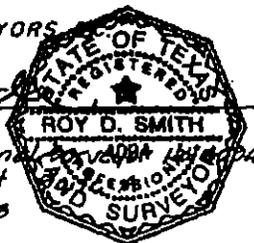
S76°27'37"W 499.69'

Harris Trust Bank of Arizona
33.859 AC.
Vol. 11972, Pg. 162

SURVEYED BY
ROY D. SMITH SURVEYORS

Roy D. Smith

ROY D. SMITH
Registered Professional Surveyor
1214 West 5th Street
Austin, Texas 78703
Ph. (512) 478-9821
October 6, 1998



INTERSTATE HIGHWAY NO. 35

N13°52'16"W 1080.72'

N13°52'16"W 588.90'

* **TRACT 2**
856,213 SQ. FT.
19.656 ACRES

①

DEED REFERENCES

- ① Security Land Investment Venture
Portion of 74.425 Ac.
Vol. 8304, Pg. 435
- ② Security Land Investment Venture
0.180 Ac.
Vol. 8304, Pg. 428

N23°00'08"W 32.91'

P.O.B. Tract 2
N60°12'58"W - 198.16'
N56°11'10"W - 32.63'
N58°28'22"W - 241.81'

S30°52'53"W - 100.32'
S32°42'38"W - 44.93'
S28°15'25"W - 20.05'

Margaret C. Scarbrough
1.48 AC.
Vol. 6477, Pg. 2172

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS

Dana DeBeauvoir

08-19-2000 01:37 PM 2000094443
STRONGL \$10.00
DANA DEBEAUVOIR, COUNTY CLERK
TRAVIS COUNTY, TEXAS

Recorder's Memorandum-At the time of recordation this instrument was found to be inadequate for the best reproduction, because of illegibility, carbon or photocopy, discolored paper, etc. All blockouts, additions and changes were present at the time the instrument was filed and recorded.



DATE: January 11, 2000
TO: David Wahlgren, Case Manager
CC: Members of the Planning Commission
Mike McInturf, WHM Transportation Consultants
REFERENCE: Security Land Investment Venture, C14-99-00130 TIA

The Transportation Review Section has reviewed the Traffic Impact Analysis for Security Land Investment Venture, dated July 1999, and offers the following comments.

TRIP GENERATION

Security Land Investment Venture is a 19.656-acre development located in North Austin between Grand Avenue Parkway and Royston Lane. The Traffic Impact Analysis (TIA) for the project was prepared by Mike McInturf in July 1999.

The proposed mixed-use development consists of the following land uses:

- 30,000 square feet of retail
- 50,000 square feet of general office
- 200 room hotel
- 12,500 square feet of restaurants

The property is currently zoned Single Family Residence, Standard Lot (SF-2) and is undeveloped. There is a request to re-zone this property to Commercial Services (CS). The projected date of completion is 2004.

Based on the standard trip generation rates established by the Institute of Transportation Engineers (ITE), the development will generate approximately 7,197 unadjusted average daily trips. When considering pass-by and internal capture the development will generate approximately 5,757 adjusted average daily trips.

The table below shows the trip generation by land use of the proposed development:

Table 1. Summary of Adjusted Daily and Peak Hour Trip Generation						
Land Use	Size	24 Hour Two-Way Volume	AM Peak		PM Peak	
			Enter	Exit	Enter	Exit
Shopping Center	30,000 SF	2,514	38	24	109	118

General Office	50,000 SF	623	75	10	18	90
Hotel	200 Rooms	1,317	54	35	52	46
High Turnover Restaurant	12,500 SF	1,303	48	45	65	43
TOTAL		5,757	215	114	244	297

ASSUMPTIONS

1. Traffic growth rates provided by the City of Austin were as follows:

Table 2. Growth Rates per Year	
Street	Growth Rate
All Roadways	5%

2. Background traffic volumes for 1999 included estimated traffic volumes for the following projects:

• Three Points Common Lot 1	SP-99-0052C
• Parkside Crossing Apartments	SP-99-0044D
• Hart Information Systems	SP-98-0164D
• RDO Equipment, Inc.	C14-99-0045
• Watkins Motor Lines, Inc.	SP-99-0032D
• G.E. Modular	SP-98-0143D

3. Reductions allowed for pass by capture vary by land use. The assumptions used in this report are based on information contained in the ITE Trip Generation Handbook. A 20 percent pass-by reduction for the restaurant and shopping center were assumed.
4. Reductions for internal capture also vary by land use. A 20 percent internal capture reduction was assumed for the general office and hotel uses.
5. No reductions were taken for transit use.

EXISTING AND PLANNED ROADWAYS

IH-35 – This roadway is classified by the Austin Metropolitan Area Transportation Plan (AMATP) as a six-lane freeway. The 1997 traffic volumes on IH-35 north and south of FM 1325 were 144,000 and 120,000 vehicles per day (vpd), respectively.

Grand Avenue Parkway – This roadway is classified as a four-lane major divided arterial. The 1997 traffic volumes west of IH-35 and east of FM 1825 were 8,180 and 12,160 vpd, respectively.

Royston Lane – This roadway is classified as a two-lane minor arterial. The 1997 traffic volume east of IH-35 was 1,770 vpd.

TRAFFIC ANALYSIS

The impact of site development traffic on the existing area roadways was analyzed. Two time periods and travel conditions were evaluated:

- 1999 Existing Conditions
- 2004 Build Out Conditions

The TIA assumes the following roadway improvements will be made prior to site build out:

- * **IH-35 –**
 - * Reconstruction of IH-35 over Greenlawn Boulevard in conjunction with the SH-45 interchanges currently under study. This project is currently funded and construction is scheduled for the northwest quadrant of IH 35 and SH 45 in FY 2002.
 - * Entrance and Exit Ramps:
 - * A Major Investment Study by TXDOT indicates that a high occupancy vehicle lane (HOV) exit ramp is proposed near the south boundary of the property.
 - * A main lane exit is also proposed near the north boundary of the property that will allow traffic to access Royston Lane.
- * **Grand Avenue Parkway –** No improvements are currently planned for this roadway.
- * **Royston Lane –** No improvements are currently planned for this roadway.

INTERSECTION LEVEL OF SERVICE (LOS)

The TIA analyzed eight (8) intersections, one (1) of which is signalized, and seven (7) which are not.

Intersection	1999 (Existing Conditions)		2004	
	AM	PM	AM	PM
IH-35 and Grand Avenue Parkway	F	F	D	D
IH-35 and Royston Lane *	A	A	A	A
IH-35 and Driveway One *			A	A
IH-35 and Driveway Two *			A	A
IH-35 and Driveway Three *			A	A
IH-35 and Driveway Four *			A	A
IH-35 and Driveway Five *			A	A
IH-35 and Driveway Six *			A	A

* = Unsignalized

RECOMMENDATIONS

- 1) Reservation of 200 feet of right-of-way is required for IH-35 prior to final reading of zoning in accordance with the Austin Metropolitan Area Roadway Plan.

- 2) The intersection of IH-35 and Grand Avenue Parkway will operate at an acceptable LOS for build-out conditions assuming signal timing and phasing are optimized and modification of lane assignment by allowing the through lane to also turn left.
- 3) Driveways 1 through 6 will operate at an acceptable LOS upon site build-out. The driveways should be constructed as right-in/right-out only driveways with stops signs and appropriate pavement markings.
- 4) The Texas Department Of Transportation has approved this TIA.
- 5) For information: Two copies of the final version of the TIA incorporating all corrections and additions must be submitted prior to final reading of the zoning.
- 6) Development of this property should be limited to the uses and intensities, which will not exceed or vary from the projected traffic conditions assumed in the TIA, including peak hour trip generations; traffic distribution, roadway conditions, and other traffic related characteristics.

If you have any questions or require additional information, please contact Emily Barron at 499-2788.



George Zapalac
Principal Planner, Department of Development Review and Inspections

ORDINANCE NO. 000601-20

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP ACCOMPANYING CHAPTER 25-2 OF THE CITY CODE AS FOLLOWS:

A 19.656 ACRE TRACT OF LAND OUT OF THE WILLIAM DRUMMOND SURVEY NO. 109, FROM SINGLE FAMILY RESIDENCE STANDARD LOT (SF-2) DISTRICT TO COMMUNITY COMMERCIAL (GR) DISTRICT, LOCALLY KNOWN AS 16445 NORTH IH-35 NORTHBOUND, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from Single Family Residence Standard Lot (SF-2) district to Community Commercial (GR) district on the property described in File C14-99-0130, as follows:

A 19.656 acre tract of land out of the William Drummond Survey No. 109, in Travis County, Texas, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance, (the "Property")

locally known as 16445 North IH-35 Northbound, in the City of Austin, Travis County, Texas, and as more particularly identified in the map attached as Exhibit "B".

PART 2. The Council waives the requirements of Section 2-2-3, 2-2-5, and 2-2-7 of the City Code for this ordinance.

PART 3. This ordinance takes effect on June 12, 2000.

PASSED AND APPROVED

June 1, 2000

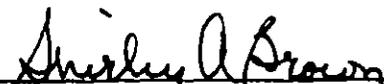
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Kirk Watson
Mayor

APPROVED: 
Andrew Martin
City Attorney

ATTEST:


Shirley A. Brown
City Clerk

FIELD NOTES
FOR

TRACT - 856.213 SQUARE FEET OF LAND (19.656 ACRES)

ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF THE WILLIAM DRUMMOND SURVEY NO. 109 IN TRAVIS COUNTY, TEXAS, BEING ALL OF THAT CERTAIN 0.180 ACRE TRACT OF LAND CONVEYED TO SECURITY LAND INVESTMENT VENTURE BY INSTRUMENT RECORDED IN VOLUME 8304, PAGE 428 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF THAT CERTAIN 74.425 ACRE TRACT OF LAND CONVEYED TO SECURITY LAND INVESTMENT VENTURE BY INSTRUMENT RECORDED IN VOLUME 8304, PAGE 435 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS. THE HEREIN DESCRIBED TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2 inch iron pin found at the Southwest corner of said 0.180 acre tract, being at the Northwest corner of that certain 1.48 acre tract of land conveyed to Margaret C. Scarbrough by instrument recorded in Volume 5677, Page 213 of the Deed Records of Travis County, Texas, being in the East r.o.w. line of Interstate Highway No. 35, for the Southwest corner and PLACE OF BEGINNING hereof:

THENCE along the West line of said 0.180 acre tract, being along the East r.o.w. line of Interstate Highway No. 35, N 23°00'08" W for a distance of 32.91 feet to a 1/2 inch iron pin found at the Northwest corner of said 0.180 acre tract, being at the Southwest corner of said 74.425 acre tract:

THENCE along the West line of said 74.425 acre tract, being along the East r.o.w. line of Interstate Highway No. 35, N 21°55'35" W for a distance of 582.90 feet to a r.o.w. monument found at an angle point and N 13°32'16" W for a distance of 1020.72 feet to a 1/2 inch iron pin found for the Northwest corner hereof:

THENCE along the North line of the herein described tract, N 76°27'37" E for a distance of 499.89 feet to a 1/2 inch iron pin found in the Westerly line of that certain 33.859 acre tract of land conveyed to Harris Trust Bank of Arizona by instrument recorded in Volume 11972, Page 162 of the Real Property Records of Travis County, Texas, for the Northeast corner hereof:

THENCE along the Westerly line of said 33.859 acre tract, S 13°32'15" E for a distance of 480.96 feet to a 1/2 inch iron pin found at an angle point in the Westerly line of said 33.859 acre tract:

THENCE along the East line of the herein described tract, S 13°32'15" E for a distance of 1321.20 feet to a point in the South line of said 74.425 acre tract for the Southeast corner hereof:

EXHIBIT A

000601-20

FIELD NOTES
FOR

TRACT 2 - 856.213 SQUARE FEET OF LAND (19.656 ACRES) - Page Two

THENCE along the South line of said 74.425 acre tract,
S 30°52'33" W for a distance of 100.32 feet to a 1/2 inch iron pin
found and S 32°42'38" W for a distance of 44.93 feet to the most
Southerly corner of said 74.425 acre tract, being the Northeast
corner of said 0.180 acre tract;

THENCE along the East line of said 0.180 acre tract, S 28°15'25" W
for a distance of 20.05 feet to a 1/2 inch iron pin found at the
Southeast corner of said 0.180 acre tract, for the most Southerly
corner hereof;

THENCE along the South line of said 0.180 acre tract for the
following courses:

N 58°28'22" W for a distance of 241.81 feet to a 1/2 inch iron
pin found

N 56°11'10" W for a distance of 32.63 feet to a 1/2 inch iron
pin found

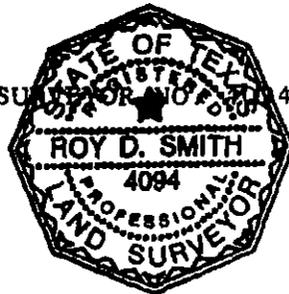
N 60°12'58" W for a distance of 138.16 feet to the PLACE OF
BEGINNING and containing 856.213 square feet of land or 19.656
acres of land, more or less.

SURVEYED BY:
ROY D. SMITH SURVEYORS, P.C.

Roy D. Smith

ROY D. SMITH
REGISTERED PROFESSIONAL SURVEYOR NO. 4094
October 6, 1998

Job No. 2084A



000601-20



JAMES M. THOMAS
TITLE LOGISTICS MANAGER
515-450-3555 OFFICE

TEL 817 354 2912
FAX 817 354 2982
JMThomas@pepperlgroup.com

4250 CAMBRIDGE ROAD
FORT WORTH, TX 76155

LATION

and acted upon at
Commission and the
their agent(s) are
most required to attend.

However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

www.ci.austintx.us/development

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-05-0144
Contact: Sherri Sirwaitis, (512) 974-3057
Public Hearing:
October 4, 2005 Zoning and Platting Commission

JAMES THOMAS
Your Name (please print)

I am in favor
 I object

16420 N. IH 35, AUSTIN, TX 78728
Your address(es) affected by this application

[Signature] 10-18-05
Signature Date

Comments:
RESPONDING FOR
OZARKA SPRINGS WATER CO.

If you use this form to comment, it may be returned to:

City of Austin
Neighborhood Planning and Zoning Department
Sherri Sirwaitis
P. O. Box 1088
Austin, TX 78767-8810